

Dreaming up the Nigerian Dream

A Memorandum to the National Political Reform Conference (NPRC) by the Christian Social Movement of Nigeria (CSMN).

Constitutional Reforms

Introduction

We of the CSMN^[1] had no intention of contributing to the work of the NPRC because (1) those who campaigned for the convocation of the Conference including the CSMN were not invited to make any input before the Conference. (2) A majority of those that were opposed to the Conference are now participants. They were appointed, we suspect, to justify why they were opposed to Sovereign National Conference (SNC) in the first place. This they can do by ensuring that there are no radical changes to the Constitution to ensure that the status quo is maintained, thus promoting, once again, the Nigerian factor of sabotaging progressive ideas. (3) The fact that there is no Enabling Law backing the Conference, suggest that the NPRC is no more than another Presidential Committee set up by Mr. President to advise him - an advice, which he is not bound to accept.

We, however, changed our minds and decided to send this Memorandum following what transpired at the Aso Villa on March 9, 2005 when top ranking Muslim Ulama, Imams, quidis preachers and other category of leaders led by the Sultan of Sokoto visited Mr. President and were able to obtain a concession whereby the **Secretariat** of the Conference had equal representation of Christians and Muslims with the appointment of a joint Secretary. As Christians, we could not but watch with admiration the array of dignitaries and personalities the Muslims were able to muster. It was an intimidating array of Muslims (see Annexure 1). We congratulate them. We also noted the way members to the Conference were selected, whereby those with mandate from their people were dropped including Chukwuemeka Odumegwu-Ojukwu who had the mandate of Nd'igbo, Bishops nominated by some Church Groups were also dropped because they come from the same ethnic nationality even though they were nominated by their group within the Christian Association of Nigeria (CAN).

Some were dropped for security reasons (although whose security we do not know), thus making it very clear that process for selection was an exclusion mechanism to exclude those the Presidency do not want at the Conference were excluded. The maneuvering, which made it impossible for the Yoruba ethnic nationality to come to the Conference with an agenda, and the maneuvering now taking place at the Conference to divide the minority groups of the South and the North to ensure that the issue of Regionalism was not canvassed even with the principle of zoning as a substitute not accepted, are all evidence of the secret agenda of the Presidency for the convocation of the NPRC. We therefore believe that we, of the CSMN, have a duty to educate Nigerians especially Christians, that our adversaries are not only the Caliphate but Christians in our midst who promote the Caliphate ideology, some out of greed, others out of ignorance.

The issue at stake in Nigeria today is that we are promoting **Collectivism** as an Ideology under the guise of Democracy. Once this is appreciated and corrected, Nigerian can begin to move forward. We are of the view that with the array of dignitaries at the Conference, it will all amount to a colossal waste of manpower and resources of the country as many members at the Conference are individually, worth at the least 400 US dollars an hour on the average by International Standards. Therefore, if these Conference delegates do not come out with concrete proposals after the Conference, they would have let down not only the country but also themselves. We therefore recommend that the Conference should Dream up "**the Nigerian Dream,**" which is all that they can achieve and leave the rest to posterity.

We have, in this Memorandum, drawn attention to the conflict of ideologies responsible for the instability in the country. Some call it conflict of cultures based on religion. Whatever name it is, it is backward looking and unprogressive. However, we are encouraged by the statement Mr. President made in Brussels on February 21, 2005 to wit: -

"I inaugurated a National Political Conference in Abuja, Nigeria's Federal capital. This initiative was essentially part of the process of strengthening our democracy to ensure that our political structures and institutions work perfectly, or at least, much better than they are doing at the present. We have encouraged the Conference to examine all aspects of our politics and governance and to come up with realistic recommendations".

It is our hope that this memorandum will help in providing materials for the Nigerian dream. From the onset, we want to remind everybody at the Conference that the political entities North and South or North, East and West then North East, West and Mid-West ceased to exist when General Gowon created 12 states in 1967. If we must revive this dichotomy then, we must discuss it. The Caliphate must stop promoting North and South dichotomy as the basis for a Nigerian Federation.

Christian Majority at the Conference

We were a bit of a surprised that there are 233 Christians and 160 Muslims, with a majority of 73 Christians at the Conference. We had earlier assumed rightly or wrongly, that most Christians at the Conference, are those who had profited from appointments or promotions influenced by the "Caliphate" governments of the past. It is not unusual for the Caliphate or those who believe in the immortality of the Caliphate system to say: "after all we have done for this man (non Muslim) he has refused to pay homage or show gratitude". We saw a majority of Christian members at the Conference as "creations" of the Caliphate who have been brought together to pay back favours by ensuring the strengthening of the Collectivist system, and for the status quo to be maintained. If however, there were to be changes in the 1999 Constitution, it should be minimal and of little consequence. We were wrong. The Caliphate would rather have a Muslim than a trusted non-Muslim not even those they have turbaned. Our hope, however, is that all delegates, Christians and Muslims inclusive, will see this Memorandum for what it is, drawing attention to the ills of the past, brought about by religion **Collectivism - Caliphate system** and making a case for **Subsidiarity - Democratic system**.

We intend also to plead with our Christian brothers and Muslim Cousins to use the opportunity of the Conference to Dream up "the Nigerian Dream", like the American Dream, which at one time was the ideal and envy of the world. That dream emphasized the unrestricted opportunity for each individual to pursue success which to a large extent, meant financial success. We now have the European Dream (Subsidiarity) that "emphasizes community relationship over individual autonomy, cultural diversity over assimilation, quality of life over the accumulation of wealth, sustainable development over unlimited material growth, deep play over unrelenting toil, universal human rights and the rights of nature over property rights, and global cooperation over the unilateral exercise of power". [2](Rifkin 2005) With "The Nigerian Dream", there will be a New African Dream and a modified NEPAD. We therefore recommend that the NPRC should borrow from the European Dream influenced by Christian principles even though the European Constitution does not have a single reference to God and only a veiled reference to Europe's religious (Christian) inheritance, yet the European Dream is attractive enough for the Communists to join and the Muslims eager to be admitted.

Human Shared Preferences

There are some accepted values we submit, which humans share and such values cut across all religious, ethnic and cultural divide. These are that: -

- "Life is better than death;
- Health is better than sickness;
- Liberty is better than slavery;
- Prosperity is better than poverty;
- Education is better than ignorance;
- Justice is better than injustice".

Nigerians (Christians and Muslims inclusive), have no problem about life, health, liberty, prosperity and Education. The bone of contention however, is what constitutes **justice**. Justice, in some cases, is subjective and, in others, with variables from time and age. At one time, Christians burnt witches (women) only to discover that witchcraft is a phenomenon of the mind. Is it justice, one may ask, that in the 21st Century, a woman could be stoned to death as punishment for adultery? Is it justice that a Minister of Works should exchange proposals with his colleagues at the Ministry of Education so that one constructs a road and the other in return, cites an institution of learning in the other's village? No doubt, this is justice to the ethnic nationalities involved. One gets a road, the other a school but certainly not justice to the rest of Nigeria. Would it not be better in the circumstance, if we began to see things in the light of what constitute justice to a Nigerian in the 21st Century World and not justice to a Muslim or

Christian, Yoruba or Nd'igbo? When we begin to look at Nigeria in the context of 389 Ethnic Nationalities, and **community relationship, cultural diversity, quality of life, fair play over unrelenting toil, human rights, and the rights of nature and global co-operation;** not in the context of the Ethnic tripod or Christians and Muslims, then our orientation will change and the "Nigerian Dream" becomes an option. To see Religion only in terms of Christianity and Islam and the use public funds for pilgrimages is also not justice. It is also injustice when the Conference has over 90% males. It is justice when all religions are treated equally by allowing them to (do their thing) worship without government interference. There are over 1000 religions in the world and the 2005 Census should tell us how many there are in Nigeria because we all know that there are many religions outside the two referred to above. We need to join the rest of the world in modern age (21st Century) philosophy and ideology. We have included as Annexure 2, the 389 ethnic nationalities that make up Nigeria, courtesy of Prof. Onigu Otite. Please take time to locate your ethnic nationality, if it is not there, ensure that it is reflected in the 2005 Census.

Ideology of the 1999 Constitution

As we know, ideologies are formulated by the dominating power sector of a given State. In Nigeria, the Caliphate is the dominating power sector. Ideology refers to "a set of ideas about politics, social organization and philosophy on the basis of a presumably logical guiding principle". The ruling elite against its own people or against other states has used ideology with deadly efficiency. Ideology in Nigeria has led to the promotion of two exclusionist ideologies of Arabism and Collectivism under the umbrella of the Caliphate system [Sharia] by the Military, which is still being pursued by the Obasanjo's administration. Unfortunately, the 12 Sharia states did not give the inhabitants of these states and indeed the whole country, the opportunity to debate whether Nigeria wanted Sharia or not. Sharia was imposed on Nigeria from the top. Collectivism promotes a policy of development from the top to bottom as opposed to Democracy that is the reverse. What do we want for Nigeria, top to bottom or bottom to top? We, of the CSMN, prefer bottom to top which is Subsidiarity. At this stage, there is need to define what Collectivism means.

Collectivism

Arab and Islamic ideologies approve of Collectivism which is backed by sanctions wherein all the wealth and power of the country is centralized in Nigeria as in most Middle Eastern countries. Collectivism is defined as: -

"Originally used in reference to *Bakunin's *anarchism, collectivism in political terms affirms the moral status of the collective, a freely formed and self governing association, in contrast to the primacy of the individual or the state. However, since the late nineteenth century collectivism has come to refer to a set of related propositions on goals and procedures of a decision-making appropriate to modern industrial society. First, collectivism is often used to refer to any doctrine, which argues for the priority of some version of 'the public good' over individual interests. In particular, collectivism is associated with the goals of equality among citizens. Secondly, the pursuit of these goals is seen to require the extension of public responsibility and state intervention in the form of regulations, subsidies, or public ownership. Thirdly, the substitution of market allocation by administrative decision-making has generated an association between collectivism, bureaucracy, and the centralization of power. A more precise understanding of the concept is as a theory of representation in industrial society (see S. Beer, Modern British Politics, 1965). In this sense, collectivism involves the incorporation of organized producer groups into policy construction and government administration, often referred to as 'functional representation' (see also corporatism).

Collectivism has therefore emerged as a somewhat ill defined term to designate various features of modern political life. In recent years, the institutions and principles of collectivism have come under considerable rhetorical attack from neo-liberal critics throughout the West, although the prominence of the state and of organized interest groups have proven extremely resilient." Collectivism has therefore emerged as a somewhat ill defined term to designate various features of modern political life. In recent years, the institutions and principles of collectivism have come under considerable rhetorical attack from neo-liberal critics throughout the West, although the prominence of the state and of

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The 1999 Constitution in the context of the aforementioned definition, which has placed both the carrot and stick in the hands of a few Nigerians, is collectivist. What therefore is Subsidiarity?

Subsidiarity

This is a Christian concept, which is defined as: -

"In broad terms, **the investment of authority at the lowest possible level of an institutional hierarchy.**

The origin of the principle of Subsidiarity is in Catholic Social Theory (CST), although similar principles can be found in *Calvinist thought. The purpose of Subsidiarity in CST was, on the one hand, to limit the role of government as a whole in order to vindicate and protect the place of private institutions including the Church itself, while, on the other hand, justifying some role for government. This notion of Subsidiarity was enmeshed in an understanding of society as an organism characterized by a hierarchy of organs. Subsequently, **Subsidiarity has been used as a quasi-constitutional concept in some federal or federal-type political systems to provide a rationale for the allocation of powers between various levels of government.** Wherever possible, powers are given to the least aggregated level of government; only when a particular task cannot be undertaken adequately by a 'low' level of government will it be handed 'up' to a higher level. It is this conception which is most useful in the analysis of German, Swiss, and ***European Union politics**, which provide the empirical context for most discussion of Subsidiarity. Controversy over Subsidiarity in the EU has shown it to be an *essentially contested concept. What to one person is of only local interest, to another is a matter of Union-wide concern. Transport of animals and working conditions are two examples. Although not inevitably incompatible with the CST definition, the use of the notion of Subsidiarity in debates about federalism does not necessarily rest on an *organic conception of society, as it focuses exclusively on the institutions of government." [4] (Emphasis Supplied).

These two ideologies Collectivism (Caliphate) and Subsidiarity (Democracy) which are completely misinterpreted for selfish purposes in Nigeria is, in our view, responsible for the instability which had resulted in Religious riots, civil unrests in the Niger Delta, Police brutality, Extra-judicial killings, election rigging, breaches of the Rule of Law and the entrenchment of the dictum "the end justifies the means" all in the effort to force compliance with Collectivism.

Divide and Conquer

The British colonialists perfected the art of "divide and rule" which they passed on to the Caliphate. Most of the colonial administrators that prepared Nigeria for independence had served in Sudan and a few spoke and could write fluent Arabic. In order to achieve this objective, the 1959 elections had to be rigged. This, in our view, is the reason for Nigeria's inability to conduct a free and fair election except the 1993 general elections which was annulled on flimsy excuses so as to preserve the status quo. Upon taking power in Nigeria in 1960, the Caliphate improved on the policy of "divide and rule" and turned it to 'divide and conquer'. Having been conquered, Nigeria, became a member of OIC, D8 and Sharia was introduced. The "Conquerors" divided Nigeria that was three Regions and 27 provinces into 36 states and 794 local government councils. Yet the Caliphate still hold tenaciously to a non-existent North and South as political factors in present day Nigeria. It is necessary to define Caliphate so that we appreciate the fact that it is not confined to Nigeria alone and, like Democracy, is also a form of government. In Nigeria, it is the de facto form of government not Democracy.

Caliphate

An encyclopedia in the Internet defined the Caliphate thus: "Caliphate (Kal'if"Caliphate (Kal'ifā't, -fit), the rulership of the Islam; caliph (Kāl'if), the spiritual head and temporal ruler

of the Islamic state. In principle, Islam is theocratic: when Muhammad the prophet died, a caliph (Arab=successor) was chosen to rule in his place. The caliph had temporal and spiritual authority but was not permitted prophetic power; this was reserved for Muhammad. The caliph could not, therefore, exercise authority in matters of religious doctrine. The first caliph was Abu Bakr. He was succeeded by Umar, Uthman and Ali. Sunni Muslims recognize these first four or Rashidun (the rightly guided) caliphs". [5]

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Uthman Dan Fodio was the first Muslim leader to introduce the Caliphate system in Nigeria. This system is still being promoted in present day Nigeria in various ways, including the granting of staff of office to 500 traditional rulers, in Abia State, turbaning of political and business leaders, the general behaviour of the executive governors as traditional rulers and the creation of autonomous communities.

Uthman Dan Fodio and the Sokoto Caliphate

"By the late eighteenth century, many Muslim scholars and teachers had become disenchanted with the insecurity that characterized the Hausa states and Borno. Some clerics (*mallams*) continued to reside at the courts of the Hausa states and Borno, but others, who joined the Qadiriyyah brotherhood, began to think about a revolution that would overthrow existing authorities. Prominent among these radical *mallams* was Usman dan Fodio, who, with his brother and son, attracted a following among the clerical class. Many of his supporters were Fulani, and because of his ethnicity, he was able to appeal to all Fulani particularly the clan leaders and wealthy cattle owners whose clients and dependants provided most of the troops in the jihad that began in Gobir in 1804... The new state that arose during Usman dan Fodio's came to be known as the Sokoto Caliphate, named after his capital at Sokoto, founded in 1809. The caliphate was a loose confederation of emirates that recognized the suzerainty of the commander of the faithful, the sultan... By the middle of the nineteenth century, there were thirty emirates and the capital district of Sokoto, which itself was a large and populous territory although not technically an emirate. All the important Hausa emirates, including Kano, the wealthiest and most populous, were directly under Sokoto. Adamawa, which was established by Fulani forced to evacuate Borno, was geographically the biggest, stretching far to the south and east of its capital at Yola into modern Cameroon. Ilorin, which became part of the caliphate in the 1830s, was initially the headquarters of the Oyo cavalry that had provided the backbone of the King's power... Usman Dan Fodio's jihad created the largest empire in Africa since the fall of Songhai in 1591. By the middle of the nineteenth century when the Sokoto Caliphate was at its greatest extent, it stretched 1,500 kilometers from Dori in modern Burkina Faso to southern Adamawa in Cameroon and included the Nupe lands, Ilorin in northern Yorubaland, and much of the Benue River valley. In addition, Usman Dan Fodio's jihad provided the inspiration for a series of related holy wars in other parts of the savanna and Sahel far beyond Nigeria's borders that led to the foundation of Islamic states in Senegal, Mali, Ivory Coast, Chad, Central African Republic, and Sudan. An analogy had been drawn between Usman Dan Fodio's jihad and the French Revolution in terms of its widespread impact. Just as French revolution affected the course of European history in the nineteenth century, the Sokoto jihad affected the course of history throughout the savanna to the Red Sea"

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Organization of Islamic Conference (OIC)

The website of OIC, (2005) contains the names of the 55 members of OIC and these countries (including Nigeria), are said to represent "the world's 1.2 billion Muslims." OIC has the following included and recorded as No. 1, 5 and 6, in its objectives: -

- "(1) To promote Islamic Solidarity among members states;
- (5) To co-ordinate efforts in safeguarding the Holy Places and support the struggle of the people of Palestine by helping them to regain their rights and liberate their land".
- (6) To strengthen the struggle of all Moslems people with a view of safeguarding their dignity, independence and national rights".

Article (iv) of OIC Charter provides in part that, "Islamic Conference will be held periodically once in

every three years. **It shall be held whenever the interest of Muslim Nation warrant it, to consider issues of vital concern to the Muslim and to co-ordinate the policy of the organization accordingly.**" Article (viii) on membership reads: ... 'Every Muslim State is eligible to join the Islamic Conference Charter". This is the needed evidence of the International status of Nigeria as an Islamic State". With these objectives, it will be difficult to deny that Nigeria is not an Islamic country".

What we have objected (and still object) to, is the way Nigeria was made a member of the OIC and the impression being created that Nigeria cannot withdraw from the Organization. Of course, we can and this will come with the emergence of an alternative ideological party system. Our membership then will have to be reviewed.

International Muslims Political Party

The Nigerian situation provides some measure of anxiety for non-Muslims especially Christians when it is realized that there is a worldwide Islamic Organization known as Hizb-ut-tahrir that "works within the Ummah and together with her, so that she adopts Islam as her cause and is led to restore the Khilafah and the ruling by what Allah (swt) revealed".

This organization has a further "aim to bring back the Islamic guidance for Ummah into a struggle with Kufr, its systems encapsulates the world". On membership, Hizb-ut-tahrir "accept Muslim men and women as its members regardless of whether they are Arabs or non-Arabs, white or coloured"...

The organization works by "**Firstly** changing the society's existing thoughts to Islamic thoughts so that such thoughts become the public opinion among the people, who are then driven to implement and act upon them. **Secondly**, the party works to change the emotions in the society until they become Islamic emotions that accept only that which pleases Allah (swt) and rebel against and detest anything which angers Allah (swt). **Finally**, the Party works to change the relationships in the society until they become Islamic relationships which proceed in accordance with the laws and solutions of Islam. These actions which the Party performs are political actions, since they **relate to the affairs of the people in accordance with the Shari'ah rules and solutions**, and politics in Islam is looking after the affairs of the people, either in opinion or in execution or both, according to the laws and solutions of Islam". [7] (Emphasis supplied)

How many members of the Hizb-ut-tahrir if any do we have in Nigeria especially among our military rulers of the past who completely changed the character of governance in Nigeria from participatory governance to de-facto Caliphate system? What stage are we now, first, second or the final stage? These are matters of grave concern to us non-Muslim groups in Nigeria. It is very clear that there has not been any appreciable changes in the mode of governance especially as this relate to security between Abacha and Obasanjo periods. The Aso Villa generates the same authority as it did then.

Islam and the Rule of Law

The Islamic ideology has inevitably challenged Human Rights application and the Rule of Law in Nigeria. Apart from the Freedom of Association referred to below, the right to Dignity of the Human Person (Section 34) is being breached by the Sharia States that impose amputation and stoning to death as punishment under the Sharia Law.

The widespread practices of arresting and detaining close relatives of suspects such as wife, mother or children to compel such a suspect to give himself up and the parading of suspected armed robbers on television before court trial, are practices approved by Sharia but contrary to Human Rights and the Rule of Law. Ideology unfortunately, seems to take precedence over Human Rights and Rule of Law in Sharia States and, to a more or lesser the same extent, other States of the Federation. The promotion and financing of militias, cults and the freedom with which they operate in the oil producing areas and the South East that are predominantly Christians, can be attributed to the desire by the 'Conquerors' to attack the heartland of the Christian faith in Nigeria. It is in this light that we urge the Conference to condemn the Kano State recommendation to the effect that: -

'If any other law, save Islamic Law is inconsistent with the provisions of this constitution, this constitution shall prevail and that other laws shall, to the extent of the inconsistency, be

void", as mischievous in the extreme.

The Kano State delegation wants to write into the Constitution, what is already being practiced by the Sharia States, and this must not be allowed when they have to rely on Nigeria for sustenance.

Instrument of Collectivism

The CSMN holds the view that the 1999 Constitution is unjust and, in some areas, oppressive of minorities. The reason for the change from Parliamentary to Presidential system of government was not borne out of altruism, but embedded in the myth of heroic victories on the battlefield. The North has conquered the South, the majority over minorities, the rich over the poor, top over bottom etc. President Obasanjo's combative disposition, we submit with the greatest respect, is a by-product of this myth and the politics of "Winners and Losers".

Allison Ayida wrote, that: -

"when the late General Murtala Muhammed as Head of State addressed the inaugural session of the Constitutional Drafting Committee, he outlined the Constitutional framework and the Presidential system as **determined by the Supreme Military Council**. At that point in time, he firmly believed in, and was fully committed to the survival of Nigeria as one country. If he had his way, he would have divided the country into twenty-four states and proclaimed that the Presidency of Nigeria should rotate among three groupings of States to reflect the major ethnic balancing. He was reminded that there was a fourth grouping of States, the minorities, which make up about 40% of the country's population. Had General Murtala lived, he would have insisted on the country adopting the rotational system for the Presidency – the Hausa-Fulani, the Yoruba, the Ibo and the Minorities. He was not the man to be deterred by technical details as to method of selection and the modalities for the smooth operation of the system".^[8] [Emphasis supplied]

This is evidence of preference for collectivism and we wonder whether this has to do with NPN and PDP zoning and rotation formulae rather than Subsidiarity. Professor Omo-Omoruyi, on the other hand, wrote,

"It should be noted that Nigeria changed from a Parliamentary system to a Presidential system of government in 1979. What Nigerians did not know was that the Presidential system was a necessary concomitant to the "unity in the executive" implicit in the military government that Nigerians knew about between 1966 and 1979. There is something unique in this innovation. It was common knowledge within the leadership of the Northern Officer Corps in 1976 that the military encouraged this innovation when it was thought that General Murtala Muhammed, a Northern officer from Kano unlike any Northerner before him, (civilian or military), would continue to command the kind of nation-wide support he received after the overthrow of the Government of General Yakubu Gowon in 1975. Unfortunately, by the time General Muhammed was assassinated on February 13, 1976, the message had already gone out to the drafters of Constitution that what the military wanted was a Presidential system of government".^[9]

Unity of the Executive is Collectivism, and both explanations have shown that special interest was the motivating factor for the change from a Parliamentary to a Presidential system of government. Nigerians-especially those at this Conference, that have had the privilege of operating the two systems, (or fortunate to live under the two systems), will surely opt for the Parliamentary system not only because it is more economical but also because it does not have the pretensions of Nigeria as one Constituency. A country with a high illiterate population, inadequate transport system and a land area too vast to cover during campaigns, cannot successfully operate the Presidential system. Prior to this Conference, the information at the disposal of the CSMN was that Mr. President has managed to site several projects in his home state Ogun and the South-West, therefore the Caliphate wants the Presidency on the principles of PDP agreed zoning formulae so that the next (Caliphate) President would site more projects in the Caliphate area. This, again if true, is the policy of Conquest not empathy.

Winners and Losers in Nigeria

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Prof. Omo-Omoruyi's treatise on 'Parties and Politics in Nigeria' published in the Vanguard of Tuesday March 12, 2002 categorized Nigerians as Winners and Losers. We decided that "winners and losers" syndrome sums up Nigeria's past efforts in Constitutionalism, Democracy and Nation building. The 'Winners' want the status quo to remain, while the 'losers' want a change from winners and losers to "winners all".

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Because of the importance we attach to Omo-Omoruyi's classification, permit us to reproduce part of his analysis:

"The Nigerian politics has been reduced to a simple two-dimensional character of 'winner' and 'loser'. This has to be so as there is (a) no ideological debate in Nigeria any more, (b) no new ideas and (c) no civil society that cut across the ethnic groups in Nigeria. My summary of the various complaints lead me to the following tentative conclusions as to who is a 'winner' or 'loser' in Nigeria today since 1999.

Winners

(A) The first winners from my review are the 'northern leaders', the core north and their satellite groups in the North and in the country. I make a distinction between the leaders and the people of the North. The people of the North, the masses gained nothing in the past from their political and military leaders who assumed power in their name since 1966 and made enemies for the North. I am aware of the debate about or agitation for a Middle-Belt identity as distinct from the north. The situation has not changed under President Obasanjo. Nigerians know that the north has a claim to the ownership of the two political parties, the PDP and the APP.

They claim a major chunk of the Presidency and the Legislature. They claim the monopoly of the Judiciary. They claim the monopoly of the Armed Forces. They claim a major share of the oil industry. They have a highly articulate leadership that spans the whole North. They have a leadership that has power of command over others in the southeast and the South-South and, to some extent in the South-West. They have an agenda dating back to the colonial period, which is known to all segments of the North and is capable of intimidating the rest of the country, especially the South-East and the South-South.

Winners

(B) The second winners can be found in the South-West, the Yoruba. They have an integrative political party (AD). They have an agenda. They have leadership in and out of the government at all levels. They have the leader of the Presidency and they have a highly articulate civil society.

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Losers

(C) The first set of 'losers' from my review comes from the 'South-East', the Ndi Igbo. They have no political party they could call their own. They have no special share in the Presidency. They have no position in the security agencies. They have no agenda like in the South-West and in the core North and they have no leadership that the zone can buy and respect. They have no discernible leadership that could speak with authority for them or that could be marketed and bought.

Losers

(D) The second set of losers comes from the 'South-South' so called the 'southerners also suffer identical disabilities as the South-East. They have no party: They have no place in the

security services. They have no agenda ethnic or zone or national. They have no leadership and they are victims of the majority groups in the country".

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It is clear from the above analysis which is still applicable in 2005 that the 'Winners' are the Muslims: Hausa/Fulani of the Caliphate and a few individual Christians and the ethnic nationality of the South-West-Yoruba, (Akintola's faction) while the losers are the majority Christians of the North, (Middle Belt) South-East and South-South. This belies Gowon's 'no victor no vanquished' declaration after the civil war.

Federalism

Nigerian Federalism, which we submit, should conform with Subsidiarity is not a settled matter as suggested by President Obasanjo in his inaugural address to the Conference. It is instructive to note that Nigeria is not short of ideas about Federalism. Hear President Obasanjo at the International Conference of Federalism held in Brussels, March 3 – 5, 2005.

"Federal arrangements are often political systems designed to respond to particular political, social, cultural and economic realities and balances in any social formation. Essentially, they are designed to respond to the promises and pains of pluralism and to give constituent units and peoples some level of autonomy, take government to the grassroots, establish political patterns and platforms of equality, fairness, and social justice; and above all, give all citizens, irrespective of gender, class, religion, color, or language a sense of belonging and a sense of positive citizenship".

The question to ask is: has the Nigerian Federalism responded to these peculiarities? Unfortunately, it has not and Mr. President knows this. Ethnic nationalities in Nigeria would not have been calling for "true federalism" if the Nigerian Federalism promoted understanding, harmony, peace etc as emphasized by Mr. President. What Mr. President said above, refers to participatory federalism, (Subsidiarity) not Federalism in which only one or three major ethnic groups participate and are empowered to assimilate minorities.

The implementation of the 1999 Constitution shows that the level of authority in some of its sections have been eroded and the political platform now favours the tripod, the rich and powerful, against the other 386 other ethnic nationalities, women, the disabled and the handicapped.

Mr. President himself provided reasons why our Federalism failed when he said:

"Quite often Federalism is designed to promote understanding, harmony, peace, good governance, equity in the distribution or allocation of resources, ensure checks and balances, protect minorities, ensure cultural liberties and autonomy, and promote good governance. It is usually assumed that commitment to these ideals often ensures the survival and consolidation of democratic institutions, values and practices. On the other hand, if not appropriately managed, federal arrangements could lead to skewed development injustice, oppression, suspicions, violence, instability, even war. Poor management of federalism could precipitate secessionist movements, coups and counter-coups, endless political agitations, and the exhaustion or disintegration of the political society".

Mr. President went further to state that:

"In Africa and most developing countries that practice federalism, and other forms of arrangement for that matter, weak institutions, poor leadership, and bad governance have undermined the principles, structures and functioning of federalism thus precipitating violence and stagnation. The essential issues that shape politics and policies in federal formations are more or less similar. These often include the structure and balance of political powers; access to power and decision making institutions; minority positions in the political system; the generation and allocation of resources; degrees of autonomy for the federating units; the power of local authorities vis-a-vis other levels of authority; protection for social-cultural identities especially as they affect politics, education, public expression, and public policy; security concerns; and the management of complaints, conflicts and contradictions in ensuring adequate balancing, transparency and accountability".

The hope of the CSMN is that Mr. President would practice what he preached in Brussels, Belgium, which is Subsidiarity.

We have dealt exhaustively above with the prevailing ideology in Nigeria and the people that promote it. Our choice of Subsidiarity is based on an anticipated Nigerian Dream. Our recommendations therefore, will be based on the truism that:

"Life is better than death;
Health is better than sickness;
Liberty is better than slavery;
Prosperity is better than poverty;
Education is better than ignorance;
Justice is better than injustice".

To achieve the above ideal, we must develop a political system based on Subsidiarity which:

- (i) Emphasizes community relationship over individual autonomy,
- (ii) Cultural diversity over assimilation,
- (iii) Quality of life over the accumulation of wealth,
- (iv) Sustainable development over unlimited material growth,
- (v) Fair play over unrelenting toil,
- (vi) Universal human rights and the rights of nature over property rights, and
- (vii) Global cooperation over the unilateral exercise of power.

Specific Reforms

General Provisions

In the spirit of Subsidiarity, we, Nigerians, should have local political parties first that will develop in later years into national parties i.e. bottom to top process. Belgium has no national party, yet she is regarded as a good example of a Federal State and good enough to be chosen as the capital city of Europe. With the diversity we have in Nigeria, political parties can be as many as possible. Nigeria, supposedly, has 30 or 31 parties, but in fact majority or all the parties were formed and financed by one source, the Caliphate. Money was given out, security reports provided and INEC was instructed to register them. One would have thought that the Yoruba and Nd'igbo because of their spread, would meet the criteria of "two third states of the country – 24". However, Aso Villa that promotes the Caliphate agenda made it impossible for Afenifere and NADECO to register political parties. But for the international pressure that if the opposition did not have a political party, the international community would not recognize the 1998/99 elections the Alliance for Democracy (AD) would not have been registered because it did not have the "required" spread. Immediately after the election and petitions to the Presidential Election Tribunal were disposed off, the Presidency set out to assimilate the AD. Two parallel conventions of the party were held on the same day; one promoted by the Caliphate and the other by Afenifere. At the end of the Convention, INEC recognized the faction promoted by the Caliphate and registered its officials. Even the Presidential candidate of the Party, Chief Olu Falae was not a member of the Executive of the party for which he was a flag bearer.

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We had all thought that All Peoples Grand Alliance Party (APGA) was an "Igbo" party and therefore a Christian party of some sort. It has since transpired that APGA was registered with the documentation prepared by the Peoples Democratic Congress (PDC), a political association led by Odumegwu-Ojukwu. APGA was however, financed and promoted by PDP governors of the South East who were unsure of re-nomination for the 2003 elections. After the registration of the party, a number of notable Nd'igbo were approached to be the party's Presidential candidate but they refused until Chief Odumegwu-Ojukwu was approached. In the process, the party earned the followership of most Nd'igbo especially those at the grassroot. It was clear that APGA won a majority of elected positions in the South East but the Presidency will have none of that. Today, the Presidency, which is Caliphate in orientation, has set out to ensure that APGA returns to the fold of the Caliphate. Afterall, Governors of the South East have their franchise from the Presidency.

The point being made here, is that Nigeria essentially has only one party - the Caliphate because it is the taproot of politics in Nigeria. To reform political parties therefore, the proviso under Section 30 of the Constitution must be expunged. With this action, Nigeria can have **a one man political party** as provided for under Section 40. This, we submit, is the foundation for democracy. We can also have Local Government Parties, State Parties, Regional Parties and National Parties. The parties themselves, who know or ought to know that their corporate existence depends on their ability to conduct free and fair elections, should be allowed to conduct the elections.

It is important to advise the Presidency that any attempt to ensure that the PDP controls the politics of Nigeria for another 20 years is very unlikely to succeed. There is no way that a supposedly single dominating party that imposes itself on the people (not as a result of free and fair election) can survive that long. Therefore, it is in the interest of the PDP and all politicians that there should be an alternative ideological party. Those who believe in Subsidiarity must come together to provide the alternative. With the competing political ideologies of Collectivism and Subsidiarity, Nigeria will be the better for it.

Electoral Reforms

It is clear that it is the government of the day that heats up the polity to intimidate Nigerians with militias and thugs so as to deny the people the right to change their government. It is during elections that the whole weight of the authority of the Presidency is brought to bear on Nigerians.

Those who want to rule their people at the Local Government, State and National levels go to the Presidency in Abuja to obtain their franchise. If successful, huge sums of money are added to the franchise to enable the franchisee "settle" others who were unable to obtain the franchise.

Thugs, militias, Electoral officials, the Police, the SSS (and sometimes) the Army are mobilized so as to be able to "fix" the result. The end result is that we have so-called elected representatives at all levels that are franchisees of the Presidency. Unfortunately, Governors Dariye and Ngige fell out with the franchise owners - the Presidency and their franchise had to be withdrawn. In the case of Dariye, but for the Christians and his Ethnic nationality, he would have long been expelled from the PDP.

We however agree with Maitama Sule who said in the **VANGUARD**, Wednesday, March 23, 2005 - pg.12 that:

"Incumbent elected people vacate their offices six months before elections as a way of guaranteeing credible elections".

In addition to the above, the civil populace needs to be educated with respect to elections. The civil populace should also be organized to resist rigging of elections and this can be done by a virile Opposition party or Non-Governmental Organizations (NGOs).

Preamble to the Constitution

The 1999 Constitution begins by telling a lie about itself in the preamble that "we, the people of the Federal Republic of Nigeria DO HEREBY MAKE ENACT AND GIVE to ourselves the following Constitution" when it was a handful of military men that gave us the Constitution. Fortunately, some of these military past rulers who imposed the Constitution of hapless Nigerians are in the NPRC to defend their conduct and why they believe that it is right to tell such a lie in the preamble to a very important document as a Constitution.

Chapter II

Fundamental Objectives and Directive Principles of State Policy

Professor Nwabueze wrote that: "A statement of objectives is necessary because it raises attention on the reasons for the existence of the association." So far, we have not been able to agree on the reasons for the existence of Nigeria. But from the way Nigeria has been run and the overriding conduct of our rulers, it would appear that the Nigerian "Association" is one that the Tripod have been working very hard to assimilate the minorities especially those of the North.

Chapter II is a statement of ideals and objectives. From the country's experience since 1979 – 26 years ago, it has become clear that some of these Fundamental Objectives and Direct Principles of State Policy need to be made justiciable, so that the courts could enforce them. We recommend therefore that Sections 13 meant to compel the Government of Nigeria to conform to and observe (i) that Nigeria is a state based on the principles of democracy and social justice (ii) that sovereignty belongs to the people (iii) that security and welfare of the people is the main function of government and; (iv) government must ensure that the people participate in the government, should be transferred to Chapter IV of the Constitution and made justiciable. We cannot understand why Federal Character has a Commission while the more important sub-sections of section of 14 (i – iv) above are left to the whims and caprices of the Executive.

Federal Character

CSMN is convinced that the application of Federal Character provision cannot be said to promote National unity in that it favours the three major ethnic nationalities with not less than five states each and therefore with five portions while twenty-seven ethnic groups in one state like Cross River state are all struggling for one portion. In the present dispensation at the Conference, the three major ethnic nationalities have about 60% of the members of the Conference and over 200 ethnic nationalities in the country are not represented. Where then is justice, we may also ask?. Where is the Federal Character Commission? The Caliphate is not complaining about this downright injustice to minorities. It would have been different if members to the Conference got there by election. We can say, with all sense of responsibility, that Federal Character which is a Subsidiarity mechanism, has been applied in a way to promote Collectivism in Nigeria.

Chapter III

Citizenship

The 1979 Constitution as well as the 1999 Constitution recognize only one class of Nigerians,

namely citizens of Nigeria of whom there are the following categories – Citizen by birth, by registration and by naturalization.

However, descent from a Nigerian Parent carries a greater importance than birth within the country. In general, a citizen of Nigeria enjoys full legal capacity which entitles him to all the rights and privileges bestowed by the law. (Disabilities or special privileges may however be imposed or conferred on the grounds of infancy, sex, insanity, bankruptcy etc). However, descent from a Nigerian Parent carries a greater importance than birth within the country. In general, a citizen of Nigeria enjoys full legal capacity which entitles him to all the rights and privileges bestowed by the law. (Disabilities or special privileges may however be imposed or conferred on the grounds of infancy, sex, insanity, bankruptcy etc). The citizen is entitled to the protection of the state both within and without its territory. A non-citizen, on the other hand, is entitled to protection only while he is within the country but not outside it and his duty of obedience is also correspondingly limited. A non-citizen does not have, within Nigeria, the full rights of a citizen. He is subject to disability in various respects. He can neither exercise the franchise nor be a candidate for any elective office.

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It is pertinent to point out that in some cases a citizen is treated as an alien who cannot be a candidate for an election because he does not belong to a **political party**. A citizen can vote but cannot be voted for unless he belongs to a political party. In some other cases, a Nigerian cannot be appointed a Minister because he is a non-indigene. Nigerians abroad often complain that they are not protected by some Nigeria embassies abroad. Some Nigerian citizens are sometimes refugees in their own country. There is the need therefore for the section on citizenship to be amended to bring it in line with international standard.

Chapter IV

Fundamental Human Rights

Jeremy Rifkin in his book "The European Dream" wrote: "it is as much the exposure of common threats as the sharing in a common humanity that justifies the claim that the Human Rights Agenda is universal".

The first real awareness of humanity's shared vulnerability came with the dropping of the atomic bomb on the population of Hiroshima and Nagasaki, Japan 1945, followed by the Nazi deaths in Europe, detention camps in the Gulag and Maoist re-education camps in China. We agree that: "empathy is the human response to shared vulnerability and the key to global awareness, ... as **empathy** is the ultimate expression of communication between beings". There is also the golden rule "**Do unto others as we would have others do unto us**". By this, the golden rule now extends beyond kin and tribes to common nationalities and ideology. The above narrative is necessary to show our Muslim cousins that the Fundamental Objectives and Directive Principles of State Policy, the Fundamental Rights provisions in our Constitution, have gone beyond religion to empathy. We wonder what would have been the magnitude of Rwandan Genocide, Dafur pogrom etc if there was no United Nations and no Fundamental Rights. The Tsunami disaster of December 26, 2004 showed why it is necessary to appreciate the vulnerability of the human race and the need for empathy. A majority of those that suffered as a result of the disaster were Muslims yet the Christian World rallied support to provide relief and have contributed more than other religions for rehabilitating and rebuilding of the disaster area. The lesson is that the human race is vulnerable to the forces of nature and evil regimes regardless of race, ethnicity or religion.

Adoption of State Religion and Section 10 of the Constitution

The question whether Nigeria is a secular, Islamic or multi religious state would not have arisen if section 10 of the 1999 Nigerian Constitution which provides that "The Government of the Federation or of a state, shall not adopt any religion as state Religion" is interpreted correctly. Section 10 does not provide that the State cannot be influenced by the religious

convictions of its Constituents. This, obviously, cannot be the idea upon which the 1979 and 1999 Constitutions were framed. The exercise of one's civic duties can and indeed, should include attempting to influence civic laws according to the moral code which one holds. This is the heart of our right to suffrage. These moral codes however, must be discussed and agreed upon. The idea that a minority or majority can encapsulate their religious beliefs and force it on the rest of country, is to work against integration. A person's beliefs inevitably, influence his/her philosophy, how he/she chooses to live and how he/she votes. Attempts to remove references to God from our civic lives would not constitute the separation of Church and State; rather, it would be the imposition of atheism, a religion by itself. However when we pass laws that institutionalize a particular religion so as to prefer a particular creed in the civic arena and prohibit the free exercise of religion in certain areas claiming religious authority, Section 10 then becomes violated. At the same time, Nigeria cannot be a multi-religious country as this will mean that no religion in the country can be discriminated against including witchcraft. We are sure that even the Muslims will not want such a situation. Therefore, each religion should be allowed to do (its thing) worship without government involvement or interference.

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The policies of the Nigerian government since 1979 have been directed more in breach of section 10 than enforcing it. Twelve Sharia states have adopted Islam as the official religion and, to make matters worse, the Federal government is tacitly pursuing a policy that "Nigeria is a multi religious country" or rather that Nigeria is both a Muslim and Christian country which is against Section 10. Recently, President Obasanjo used his personality and machinery of government to raise funds for Christians and Muslims, which he did successfully. This policy, no doubt, is against the Nigerian Constitution, as Mr. President has no business raising funds for religious bodies considering his position as protector of the Nigerian Constitution.

It is this government interference in religion that has encouraged Muslims to see Nigeria as a Muslim country when it suits them and as multi-religious at other times.

On Monday, March 29 2005, the PUNCH Newspaper reported:

"NPRC: Northern Muslims allege marginalisation ...Raise panel to meet Obasanjo. For the second time in three weeks, the Jama'atu Nasril Islam on Monday alleged a deliberate attempt by the Federal Government to sideline Muslims in the ongoing National Political Reform Conference... The body, otherwise known as the Muslim Ummah, listed the following areas where the government had short-changed Muslims:

- The North not having military officers with ranks higher than colonel;
- Marginalisation in all aspects of the economy; and
- Marginalisation in all appointments.

They argued that the Federal Government had turned Muslims in the North into second-class citizens. One of the Speakers, the Emir of Gwandu, Alhaji Mustapha Jokolo, accused the Obasanjo government of harbouring a hidden agenda to eliminate Islam and its adherents

from Nigeria. Jokolo said, "We have been following, keenly, since the coming of the Obasanjo government. All its policies are aimed at totally marginalizing the north and its peoples. Virtually, in all the sectors of our national life, the north and the Muslims have been marginalized. Today, the highest military officer from the North is a colonel. "We must warn that unless the President and his government are prepared to correct all these injustices against us, we must rise up to defend our rights"...

The Muslims as in this case, often interchange the North for the Islamic religion for political reasons and this is completely untrue as many other non-Muslim 'Northerners' would attest.

Freedom of Assembly and Association

Section 40 of the 1999 Constitution provides as follows: -

"Every person shall be entitled to assemble freely and associate with other persons, and, in particular, he may form or belong to any political party, trade union or any other association for the protection of his interest:

Provided that the provisions of this section shall not derogate from the powers conferred by this Constitution on the Independent National Electoral Commission with respect to political parties to which that Commission does not accord recognition". [Emphasis supplied]

The right to form political parties by every person, presupposes that an individual does not need permission to do so as this has been guaranteed under the Constitution. Therefore, the proviso to this Section has enhanced the stature of INEC over and above the Constitution thus conferring on it powers superior to the Constitution. The Proviso also restricts the corresponding right that flows from the right of Peaceful Assembly and Association - the right to vote, with a corresponding right to be voted for. What Section 40 of the 1999 Constitution provides is that a Nigerian has the right to vote, but not the right to be voted for. This, no doubt, was responsible for the situation that arose in Anambra State where the ruling party substituted names of those that were presented to INEC and the people prior to the election. This Proviso is also responsible for the statement of the PDP that names of "elected" Councillors that were not approved by the party have been annulled. Thus the "election" is for the party and not for the people. This proviso is also responsible for "Godfatherism" and rigging of election, in that it is only the registered political parties that can present candidates for any election and there is no room or provision for Independent candidature which was available in previous Nigerian Constitutions. In effect, Political parties have been given rights belonging to human beings - fundamental right to be voted for. It is therefore a contradiction for INEC to now say that it is powerless with respect to Anambra State whose governor has been expelled by his party. No doubt, INEC is afraid of International opinion.

The proviso to section 40, we further submit, is intended to ensure that the ruling elite select those that should represent the people with a view to protecting its Collectivist ideology while reducing others to second class citizens incapable of electing their leaders. Another unfortunate aspect of these "selection" processes is that the ideologues of Collectivism ensure that the Caliphate elite select for themselves, the best and the brightest that they have such as Princes and those with good education from the best Universities in Europe and America. For others, especially the Kafirs, they also select for them and ensure that they pick those with shady characters that would ensure that their people are exploited in order that they remain poor and backward. The "selected" President of the Senate is an example of the quality of the "selected" representatives of non-Caliphate constituencies.

This Day online reported on 26/03/2005 that INEC was sued over Wabara's Election by two persons who filed a suit at an Abuja High Court, urging the Court to compel the INEC to declare the actual winner of the 2003 Senatorial Election in Abia South as Elder Imo of the ANPP on the ground "that the law allows INEC to declare only one winner in any election and the body had contravened the law by first declaring Imo elected before Wabara". Yet the said Wabara not only was "selected" a Senator but was made President of the Senate.

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Sometimes, the Caliphate can be so patronizing as to ask the people of the Niger Delta to demand from their Governors what they did with Federal Allocations since 1999 as if this is the issue at stake at the Conference. In any case, the people of the Niger Delta would argue rightly and that they did not select these governors in the first place and that it was the Caliphate who imposed these governors on them through fraudulent elections in order to promote Collectivism, and the Caliphate system. In the circumstance, the Caliphate has no moral right to make such statements when they are the cause of the problem in the first place. Minorities always feel insulted by these patronizing statements and gestures from the Caliphate.

The Proviso to Section 40 is not only unfair but constitutes a danger to the Nigerian society. To make matters worse, INEC claimed to have expended N44 billion to conduct the 2003 General Elections and the March 27, 2004 Local Government elections in six Area Councils in FCT Abuja. These Elections were, in reality, "General Selections". This huge sum would have been better used to alleviate poverty instead of conducting what turned out to be a hoax classified as elections. Fortunately, the government did not spend a kobo to select those presently at the NPRC. The Proviso to Section 40 of the Constitution is against the spirit of Subsidiarity and should therefore be expunged.

Revenue Allocation

The 1999 Constitution has provisions that are deliberately oppressive to minorities and in particular, (a) Revenue Allocation (Section 162); The 1999 Constitution has provisions that are deliberately oppressive to minorities and in particular, (a) Revenue Allocation (Section 162); (b) Representation in the National Assembly.

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Section 162 (2) states that:

"The President, upon the receipt of advice from the Revenue Mobilization, Allocation and Fiscal Commission, shall table before the National Assembly proposals for Revenue Allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States, internal revenue generation, land mass, terrain as well as population density: Provided that the principles of derivation shall be constantly reflected in any approved formula as being not less than thirteen *per cent* of the revenue accruing to the Federation Account directly from any natural resources." [Emphasis supplied]

We have suggested that ownership of land should revert to the various communities and we submit further, that there is no need for a Revenue Mobilization and Fiscal Commission when the Constitution has provided the basis for sharing the Country's wealth. We see it as another patronage outlet and instrument in the hands of the Collectivists.

There is also no basis for this Allocation principle in that (i) Population and population density are assets. (ii) Land, Landmass, and terrain are also assets. These assets therefore, should generate wealth for those that have them in abundance and should not be the basis for sharing the Oil wealth of the nation. It is an exploitative Provision to benefit the majority ethnic nationalities at the expense of oil producing Minorities. To compound matters, equality of states and Local Governments as basis for sharing revenue is also intended to further enrich the Tripod at the expense of minorities.

There are better ways, we submit, of sharing the wealth of the nation to take care of infrastructure, Education, Health and Transport etc, that will benefit everybody and not a formula that has produced so many "idle rich" courtesy of the Caliphate. Only the Caliphate boasts of the number of millionaires it has made through the looting of the Treasury. We submit that States and Local Governments should pay taxes to the Federal Government from oil and mineral taxes collected by them. In this process, governments- top and bottom, will be able to monitor income accruing to the country. This is Subsidiarity.

Section 41

Notwithstanding Section 41 of the 1999 Constitution on freedom of movement, some Nigerians are not free to reside in some parts of the country especially where there are discriminatory laws like Sharia. Whether or not they will be affected, is not the issue.

Section 42

Freedom from discrimination: Section 42 of the 1999 Constitution provides that: "A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person" be disadvantaged by any law or executive or administrative action, or provided with privilege or advantage not enjoyed by others. "No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth." This citation renders all Sharia laws in Nigeria unconstitutional in that they discriminate against other Nigerians who are not Muslims.

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Section 43

Under Section 43 of the 1999 Constitution which provides for all Nigerians, the right to acquire and own immovable property anywhere in Nigeria needs to be strengthened by repealing the Land Use Act and other Acts that expropriate land because conquest and cession do not affect private property yet land is appropriated in Nigeria and handed to one man – Governor (Collectivism). Land therefore, should be returned to their indigenous owners – (Subsidiarity).

The Legislature

The Legislative function of the Federation during military rule was combined with the Executive function. The effect of the combination has made the Legislative arm under our Democracy to be very weak. However, it is the quality of those "selected" under the guise of election that has totally rendered the legislative arm throughout the country prostrate and incapable of performing their Constitutional functions. The Executive has also been able to render impotent the Legislative arm of the Nigerian Government.

In a free and fair election, a bond is developed during campaigns between the candidate and his constituency. Such a bond is lacking when the election is massively rigged as to reduce the whole process to a form of selection as was done in 1998/99 and 2003. We have no doubt that if the people of Anambra State had voted for Dr. Chris Ngige, the travails which he is going through at the moment, would not have happened. This lack of bond, we believe, is also responsible for the apathy displayed by the people when the Governor was abducted and when thugs invaded the state. The Anambra delegation to the Conference is right in demanding compensation of over N60 billion from the Federal Government.

The country's report on Human Rights Practices by the US Department of State, put the situation thus:

"Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature drawing their authority from the 1999 Constitution. In April 2003, President Olusegun Obasanjo of the People's Democratic Party (PDP) was re-elected to a 4-year term after being declared winner in elections that were marred by what international and domestic observers termed to be serious irregularities and fraud, including political violence. The elections also resulted in the ruling PDP claiming 70 percent of the seats in the national legislature and 75 percent of the state governorships. Throughout the year, opposition parties continued to challenge the election in court. On December 20, an election tribunal voided part of the 2003 election results, including the entire result of Ogun State, President Obasanjo's home state and found that there was significant rigging, but by 3-1 vote, declined to overturn the election". (Emphasis supplied)

We have used the State Department's report to show how we are perceived by the outside world. The Legislature was further weakened by Corruption. Bags usually referred to as "Ghana must go" are filled with currency notes for the Legislatives Houses (National and States) for them to pass bills into law. Members of the Legislative arm themselves admit to this practice which they call 'lobby'.

In the above circumstances, the separation of powers designed as precaution against tyranny has been compromised. We now have inflicted on Nigerians, (a) the tyranny of the Executive, (b) the tyranny of the perceived and false majority the PDP inflicted on Nigerians by a convoluted election processes, and a Constitution that provides for INEC to over-ride its authority.

The Executive

The Executive branch of government is concerned with executing Laws and polices of government. Unfortunately as a result of military intervention in politics, we now have an Authoritarian Executive who still see themselves as rulers, and not as elected representatives to suit Collectivism. We recall that since 1975, a majority of military leaders have been Muslims who institutionalized corruption in the country because there was no Legislative arm to act as a check to Executive spending and the Judiciary could not interfere until the matter was taken to court. Corruption in the Civil Service became an option when in 1975 civil servants were retired in such a way that destroyed the Security of Tenure, which, hitherto, they enjoyed. Only recently, the Governor of Ondo State authorized civil servants in the State to engage in private business. The Executive power under the military was constrained only by the will of members of the ruling junta. Today however, public opinion, (international and local) is the restraining factor but this has not stopped the Federal Government from disobeying Court orders.

Executive Bodies

The 1999 Constitution widened the scope of the Executive by establishing numerous National Executive bodies to bring the States under Federal control and to provide an excuse for centralized revenue.

These Federal Executive Bodies are:

(a) Code of Conduct Bureau (b) Council of States (c) Federal Character Commission (d) Federal Civil Service Commission (e) Federal Judicial Service Commission (f) Independent National Electoral Commission (g) National Defense Council (h) National Economic Council (i) National Judicial Council (j) National Population Commission (k) National Security Council (l) Nigeria Police Commission (m) Police Service Commission (n) Revenue Mobilization Allocation and Fiscal Commission [section 153]

In addition to the above, all Security apparati in the country are Federal [sections 214,217]. The Road Safety Corps, Civil Defense Corps and even Traffic Wardens are Federal Establishments. We submit that this is intended, no doubt, to enable those in control of the Federal Government (Caliphate) to dominate others, with the "carrot and the stick" in their hands.

National Population Commission

The National Population Commission is charged with the responsibility among others to undertake periodic enumeration of population through sample surveys, census or otherwise. Unfortunately, Nigeria has never been able to conduct an acceptable census for several reasons including the fact that population figures determine the amount of revenue which a state receives the number of seats at the State House of Assembly and the House of Representatives. This makes population figures susceptible to inflation and manipulation. The

Commission is also charged with the responsibility to publish and provide information and data on population, for the purpose of facilitating economic and development planning, yet ethnicity and Religion are being excluded from the questionnaire for the forthcoming Census. This, of course, is not correct. The Muslim leaders who visited President Obasanjo demanding for the parity of Christians and Muslims alleged that they constitute 65% of the population, while Mr. President said he thought it was 50 – 50. This, we submit, is sufficient reason why Religion and Ethnicity should be included in Census questionnaire if nothing else. When Mr. President speaks next time, he should be able to say the correct ratio or proportion. We however, suspect that the Caliphate do not want the correct ratio which Nigerians put at 55% Christians and 40% Muslims. This fact has been established from the identity card registration which is why it is taking so long to issue these cards to Nigerians who have been registered.

As usual, the Caliphate politics of winners all the time that explains why Muslims occupy almost 70% of Federal establishments, especially the post of Director of Administration and Finance. If after the encounter with Mr. President, ethnicity and Religion are still excluded from the Census questionnaire, it shows clearly who is in charge in Nigeria- the President or the Caliphate?

Judicial/Legal Reforms

The Judiciary

It was reported that one of the complaints of Muslim leaders in Aso Villa was that the present government has been unfair to Muslims in appointments.

"In the military, of the 19 army commanders only one is a Muslim, the remaining are Christians; of the 15 in the Air Force one is a Muslim and 14 are Christians; among the 84 ambassadors, 50 are Christians and 34 are Muslims; of the 54 permanent secretaries, only 16 are Muslims; only 17 of the 41 ministers are Muslims and only four of the 46 heads of parastatals are Muslims". That Muslims have run out of patience".

It is noteworthy that none of these Christian officials has been adjudged as inefficient. The preponderance of Muslims in the judiciary, we submit, has tilted the judicial scale towards the Caliphate system thus promoting Collectivism.

Leaving aside all the Sharia courts throughout the country, what is striking with respect to the judiciary is that since 1979 – 26 years ago, but for two years under Chief Justice Ayo Irikefe, all the Chief Justices of Nigeria have been Muslims. Leaving aside all the Sharia courts throughout the country, what is striking with respect to the judiciary is that since 1979 – 26 years ago, but for two years under Chief Justice Ayo Irikefe, all the Chief Justices of Nigeria have been Muslims. The Court of Appeal since it was established in 1976 – 29 years ago has always had a Muslim as President. The High Court of the Federal Capital Territory Abuja that was established in 1986 – 16 years ago, the Chief Judges have been Muslims, yet it is a notorious fact that Christians lawyers in the country outnumber Muslim lawyers at the ratio of two to one, yet Christians have not demonstrated or led a protest match to Aso Villa even when they know that in the line of succession already mapped out, Muslims will retain these posts for another 20 to 30 years contrary to the Constitutional provision which provide for 15 years post qualification, for the Chief Justice of Nigeria thus making the post open to all lawyers, [see 231] 12 years for President Court of Appeal [see 238] and 10 years for the High Court of the Federal Capital Territory [see 256]. Even the Federal High Court that was established in 1973 has had Muslims serving longer as Chief Judges than Christians and once the present Christian holder retires, it will revert to a younger Muslim who will be a CJ for a longer time.

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We can go a step further to suggest that these courts headed by Muslims are not apolitical when it comes to election and political cases like the following ones.

1. AWOLOWO vs. SHAGARI [1979] 6 – 9 Sc 51

This case centered on simple arithmetic of what two-thirds of nineteen states is. By a ratio of 6 to 1 (with Justice Kayode Eso dissenting), the Supreme Court gave judgement for Shagari. We all thought that two-thirds of nineteen states in the federation was thirteen states, but the Supreme Court felt otherwise.

1. **INEC vs. PDP [1999] 11 NWLR (PT. 626) Page 200** [The Supreme Court interpreted section 37(1) and 45(1) of Decree No3 of 1999 to the effect that, if a Governor-elect was not available to run his office after election but before he was sworn in, the Deputy- Governor elect should take over as Governor. While the section makes provision for incidence of death only and not when such a governor elect is alive and has moved to contest the office of vice President.

2. **In ABACHA vs. THE STATE [2000] vol.9 MJSC (1)** The Supreme Court in a majority decision of 4 to 1, held that the court can decide that the Prosecution's case would fail merely from the proof of evidence and therefore entered a verdict of quashing the information, even before evidence was led. The Supreme Court refused to follow its earlier decision in *Ikomi vs. the State* wherein it refused to quash the information at that stage of the proceeding when evidence had not been led.

3. **RESOURCE CONTROL. AGF vs. ABIA STATE [2003] MJSC 123** wherein the Supreme Court held in effect that the boundaries of the littoral states ends at Nigeria's low water marks and not extending to the Continental shelf, thus refusing to recognize International Law and Practice that the right of ownership of littoral states extends to the outer limit of the Continental shelves as provided for by the 1958 Convention on the Continental shelves, 1960 Constitution of the Federal Republic of Nigeria (Section 140), and the 1982 convention of the Law of the Sea.

Collectivism at the Court

Nigeria has Federal and State Judiciary but the 1999 Constitution created the National Judicial Council and saddled it with the responsibility of recommending to the President,

nominees for appointments and removal of Federal Judicial Officers. The National Judicial Council also had the responsibility for recommending Governors' nominees for the appointment and removal of State Judicial Officers. By this action, Collectivism was brought into the Judicial Arm of Government. The effect is such that State Judges are very hesitant in handling suits against the Federal Government or its agencies including NITEL and NEPA, especially if the Judges have the ambition to be appointed Chief Judges or promoted to the Court of Appeal Bench. The Federal High Courts that were established in 1973 with original jurisdiction in certain specific matters including "taxation of companies, customs and excise duties, banking, foreign exchange, currency and fiscal measures of the Federation". The jurisdiction of the FHC also covered copyright, patents designs, trade marks and merchandise marks as well as Admiralty cases.

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"By the time the 1979 Constitution was being proposed, it was generally agreed that the Court would be given a decent burial as whatever usefulness that could be attributed to its existence had been over-shadowed by the imponderable problems of the conflict of jurisdiction which its existence brought into our Court system. The Committee that drafted the Constitution made no provision for its continued existence and predominance of opinion of the judges of the country and the legal practitioners at the time was that it be scrapped. For reasons best known to the then Supreme Military Council, the existence of the Federal Revenue Court was continued under a new name, the Federal High Court without any significant change in its stated jurisdiction. The problems connected with the jurisdiction of the Federal High court and of states High Courts have continued to escalate until this moment. Unfortunately, these have led to some litigants suffering unnecessary injustice in the hands of the courts, a situation which could have been avoided had the Federal Revenue Court been killed by the Constitution or the jurisdiction set down in details and with absolute certainty".[\[10\]](#)

The Federal High Court is another instrument of Collectivism, where powers of the court are vast and far reaching. The FHC now has 23 Divisions with some divisions having as many as 10 courts. The effect of all these are that the state High Courts have less to do especially the states Customary Courts of Appeal. State High Courts now succumb to manipulation by the Chief Executive of the State as the CJ himself said: -

"While the Federal Government and the National Assembly are willing to pay and do respectively approve the budget of the National Judicial Council in respect of the Recurrent Expenditure of both the Federal and States' judiciaries, the state executives concerned refused to provide the funds for the capital expenditure of their judiciaries.

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This is contrary to section 121 subsection (3) of the Constitution. Some state governors have resorted to buying cars as good gesture, which they give to the judges of their state judiciaries...

Important equipment or tools for the functioning of the judiciary, such as law textbooks,

typewriters, photocopying machines, electricity generators and so on, are to be purchased with the vote for capital budget but this is denied the state judiciaries.

So far, release of such funds by the Federal Account Committee has been suspended for about two months. This means that judicial officers are to go without salaries and allowances until the impasse between the state governments and the federal government is resolved. A situation where the judiciary is starved of funds but the salaries and allowance of judges are not paid is, to say the least, very serious for the sustenance of democracy and the Rule of Law cannot by any stretch of the imagination be described as good governance".[\[11\]](#)

The National Judicial Council has become an impediment for good judicial administration in Nigeria.

In this collectivist environment, the Lagos State Judiciary came up with a progressive Civil Procedure Rule. It is hoped that a law will not be enacted to make "court rules" a Federal subject in the spirit of collectivism, whereby the States must stop thinking.

Security

Another complaint by the Muslims is based on "North-South" Regional representation even though they are aware that the North/South Regions were abrogated over seventy years ago. Yet they still argued in the media "that based on North-South Regional representation, 17 only are Muslims while 29 are Christians while from the 26 nominated from the North, 17 are Muslims and 9 are Christians, of the 20 Presidential nominees from the South, 19 are Christians with Alhaji Serena Dokubo as the only Muslim from the South-South" at the conference. "This is despite the fact that in the South-West, the President's home region, at least, half of the population is Muslim. In fact, there is no Muslim representation in the state nominations from Edo, Ondo and Ekiti. On the other hand, Niger state, which also has a substantial Christian population, did not include any in its list of six (6) nominees". [Daily Trust 21/02/05]. Yet Religion should not be included in the Census.

These insinuations and allegations would have been avoided had there been a free and fair Forum for the election of candidates to the Conference. However, the Muslims, have over the years, controlled the intelligence service of the country and the Nigeria Police. The State of the Security of the Nation today, can be attributed to the failure of these two executive arms of government that had been dominated by Muslims since independence. For security reasons, we will not name the officers concerned in the headship of the Special Branch (SB), the National Security Organization and recently the State Security Service (SSS) but the fact remains that Muslims have dominated these posts.

Nigeria Police Force

Sections 214 – 216 of the 1999 Constitution provides for a Nigeria Police. Section 214(1) provides as follows:

"There shall be a Police Force for Nigeria, which shall be known as the Nigeria Police Force, and, subject to the provisions of this section, no other Police Force shall be established for the Federation or any part thereof".

Nigeria has one Police Force not for the purpose of "prevention and detection of crime, and the apprehension of offenders", that are the traditional duties of the Police worldwide but a Police Force with guns trained and orientated to terrorize Nigerians to submission. The Nigeria Police seldom investigate and prosecute cases these days to conviction. Rather, they resort to extra-judicial means and, at times, summary executions.

There is no democracy any where in the world (except Nigeria) that has one Police Force.

England and Wales have 43 Police Forces. In a civilian rule like ours where the role of the Armed Forces has become insignificant, the ruling class requires an instrument of coercion controlled by them to ensure that they put other Nigerians in check. This explains why we, Christians, wonder and ask why more Muslims have been appointed as Inspectors-General – Louis Edet (Christian) Alhaji Kam Salem (Muslim) Alhaji M.D. Yusuf (Muslim), Alhaji Adamu Suleiman (Muslim), Sunday Adewusi (Christian) Etim Inyang (Christian), Alhaji M. Gambo Jimeta (Muslim), Alhaji Aliyu Attah (Muslim), Alhaji Ibrahim Coomassie (Muslim), Alhaji Musiliu Smith (Muslim) and Alhaji Tafa Balogun (Muslim). Sunday Ehindero a Christian, is yet to be confirmed as Inspector-General, as he is merely acting in that post. There have been three Christians and Eight Muslims occupying the position over a period about 40 years. This came about because of the manipulation of appointments and promotions in the Police Force by the Caliphate. The following Christian AIGs and CPs were superseded in 1990 to make a Muslim, Muhammadu Gambo Jimeta, the Inspector-General. They are (1) Victor Pam, (2) Stephen Olumese (3) Ademola O. Aboyade-Cole, (4) Christopher Omeben, (5) Emmanuel Ugowe (6) Olarenwaju Olowu, (7) Johnson Odu and (8) Fidelis Oyakhilome. In 1993, when another Muslim, Aliyu Atta, was to be made Inspector-General, these officers were retired when they were yet to attain the compulsory retirement age of 55. Christians did not lead a delegation to the Head of State or to Aso Villa. Christian Officers at all levels are being superseded to make way for Muslims in the Police Force as in other branches of the Public Service. Because there is only one Police Force, it has been used to unleash terror on the populace especially during the Abacha regime. Presently, we are moving towards the same direction and The Nigeria Police has not been able to detect and/or prosecute any of the High Profile murders (52) of them listed in The Guardian of March 17, 2004. Policemen, who are supposed to apprehend criminals, are on the highways with guns collecting =N=20 bribe from motorists, thus constituting themselves into armed robbers.

What is the state of security or insecurity in Nigeria? Once again, we refer to the U.S. Department of State and The Guardian Editorial of March 13, 2005. Part of the Editorial reads:

"The report listed a number of politically motivated killings like that of the PDP chieftain, Aminasoari Dikibo; the Kogi State Electoral Chairman, Phillips Olorunnipa; Marshall Harry; Uche Ogbonaya and Chief Bola Ige which are yet to be solved. It mentioned the abduction of Governor Chris Ngige of Anambra State as one of those crimes for which no arrest has yet been made".

We share the view of The Guardian that the State Department's report is a reminder that there is much, which is undesirable in our conduct as a nation particularly "by state institutions such as the Police and other security and electoral agencies. Corruption is, after all, still endemic in our society". The Guardian went further to say that: -

"The report came down hard on the Nigeria Police Task Force, Operation Fire for Fire, which it described as "a frequent human rights offender: largely untrained, with "broad latitude in using deadly force". Police Officers were most often "not held accountable for excessive or deadly force, or for deaths of persons in custody". The police, the reports asserts, "operate with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects... We believe that the federal government and its officials need not be unduly emotional about the report or the supposedly ignoble role of the Counselor... Corruption is, after all, still endemic in our society... As the nation embarks on a national dialogue to create a more humane future for our citizens, the government should not be distracted by a report which merely describes the reality of our existence, just because the author happens to be a foreign government".

We attach as Annexure III, The Guardian Editorial which shows how the USA rates Nigerian Human Rights situation, how crime has taken a center stage in Nigeria and the Nigeria Police is completely overwhelmed which has necessitated Governor Tinubu to call for the setting up of state police. Nigerian Police, as Instrument of Oppression – Femi Soneye/AfricanaNews.com said:

"Governor Bola Ahmed Tinubu of Lagos State, in 1999, proposed State Police for Nigeria, in

the proposal he called for each state in Nigeria to have it's own Police command akin to what is practiced in the United States of America. It was believed at that time that what influenced the Governors plan was the face-off he had with the then Police Commissioner, Mr. Mike Okiro, who vehemently refused to take orders from the Governor over the deployment of Mobile policemen to Ajegunle a community in Lagos State to stop the ethnic-disturbances between the Oodua Peoples Congress, O.P.C., and the Ijaw Youths, scores of Youth were killed before the Police finally sent its officials to end clashes between the two groups after about four days of hostilities. Asiwaju Bola Tinubu took his crusade to Abuja and tried without success to lobby senators and representatives to support this plan or adopt a bill backing this proposal, the Governor's plan drew fierce criticism from various organizations and influential Nigerians abruptly ending Bola Tinubu's proposal".

The argument of a former Inspector-General of Police that Nigeria is not ripe for state police published in The Vanguard of 15/3/05 is patronizing. It reads: "Nigeria not ripe for state police ex-IG tells delegates".

"Second Republic Inspector-General of Police, Chief Sunday Adewusi, representing Oyo State at the confab, argued forcefully against the creation of state police as advocated by some state governments and given voice at the conference by some delegates. In his view, "Nigeria is not mature enough for it". Chief Adewusi said: 'I am not saying all is well with the police as it is now. Now, we have one problem now, if we add 36 to it, we will have 37 problems". Referring to the First Republic when there were regional and Local Authority Police. Chief Adewusi said those advocating state police did not see the problems of the past. He also referred to an experiment by former Military President Ibrahim Babangida who posted police to their states of origin. He submitted that the system did not work as such police personnel got so embroiled in communal and family problems that the experiment was terminated within six months. The former Inspector-General of Police warned, "if created, state police would soon transform into private armies of the governors and some states can even declare war against others".

It would appear that the former Inspector-General is a card carrying member of the PDP, because it was the same argument that Governor Lucky Igbinedion made when the CSMN objected to the Law setting up the vigilante in Edo State. We recommended the setting up of State and Local Government Police Forces. Fortunately, Governor Igbinedion has since changed his mind since the Nigeria Police kidnapped Governor Ngige of Anambra State. The argument of the former Inspector-General is unacceptable for the following reasons:

(a) We had local government police before Independence when we did not have Human Rights provisions in our Constitution. Local Government police were phased out after independence in 1960.

(b) It will be wrong to suggest that all state governors that will emerge from a free and fair election [not selection] will be tyrants.

(c) The training of policemen will be directed to law enforcement only with no military trappings like we have now.

(d) The quality of recruits available for selection (2005) as constables include University graduates, not the illiterates or semi illiterates that were recruited in the 1940s and 1950s.

We therefore recommend State and Local Government Police establishments not Forces. A single Police Force anywhere in the world is an instrument of Dictatorship and Collectivism.

We are however, opposed to any attempt to make law enforcement agencies by whatever name, a Constitution matter because law enforcement is, traditionally, a domestic matter. Attempts to make ICPC which the Trust Newspaper described as "a willing tool of political vendetta against political foes of the Presidency" and others- EFCC, NDLEA etc, all headed by Muslims, a constitutional matter to retain the stronghold of Collectivism, is unacceptable to us.

Our conclusion therefore is that those in charge of our Security have failed the nation. The

issue is not whether they are Muslims or Christians, but whether they are efficient. However, in a situation where Christians were retired prematurely in the Police Force to make way for the appointment of Muslim Inspectors-General, smack of religious bigotry and should be condemned especially as the police have failed the nation so woefully. We are of the view that the question of Law Reforms should wait until a new Constitution based on the ideology of Subsidiarity is promulgated.

Civil Society Reforms

Civil Society is defined as "the set of international associations which are neither the state or the (extended) family civil society and therefore includes voluntary organizations and firms and other corporate bodies".

Unfortunately, those who promote the Collectivist ideology in Nigeria have, in most cases, taken over most civil society organizations in the country by ensuring that the leadership of these civil societies organization is of the Collectivists choice rather than the choice of their members. Those who had watched the military perfection of take-over of civil societies, will recall that various professional associations were more vibrant and more combative in the 1970s and 1980s, but systematically, these associations became "toothless bulldogs", unable to fight against breaches of Human Rights and the Rule of Law. The military disapproved of the institution of civil society at first, but later decided that it was better to influence the choice of leadership of these societies. We shall use two examples (a) the Nigerian Bar Association and (b) the Christian Association of Nigeria.

The Nigerian Bar Association

The Nigerian Bar Association was a thorn in the flesh of the military until Chief Clement Akpamgbo SAN was appointed Attorney General of the Federation mid-way into his term as President of the NBA. As a matter of fact, it was Chief (Mrs.) Priscilla Kuye who was offered the post but she declined because her husband, Chief Omowale Kuye was in the Federal Civil Service as Permanent Secretary. Chief (Mrs.) P. Kuye then became President of the NBA. It became very clear from her conduct that Chief (Mrs.) Kuye was not going to be anybody's mouthpiece especially the military. In 1992 when it was time for her to seek re-election, Aso Villa went to work to ensure that she was not re-elected because Mrs. Kuye had too much independence of mind not good for the Babangida administration. The Annual general meeting of the NBA for that year in Port Harcourt was scuttled. There was therefore no NBA at the National level from 1992 until 1998 when the NBA was re-constituted following intervention by the profession -the Bench and the Bar. Today, the NBA is a shadow of its former self. Money now plays a vital role in its elections and the leadership pays homage to the Bench and the Executive, thus compromising the NBA status as a civil society Organization. The NBA situation is a shame though, when it is realized that lawyers often play leadership role in the world. Lincoln, Ghandi, Nehru, Mandela, and Awolowo etc are ready examples. We hope that the NBA will overcome its indifference when an alternative ideology and the 'Subsidiarity' party comes on board.

The Christian Association of Nigeria

It is a notorious fact that the Communists disapproved of civil society and in spite of this, the Catholic Church was able to promote the Solidarity Party in Poland. This is not to say that the Catholics in Nigeria want to promote a Subsidiarity Party. Rather, it is the Prayer of the CSMN that some Nigerians, irrespective of religion and ethnicity will establish such a party. The Nigerian situation is a bit different from that of Poland, in that the Presidency was able to cash in on the rivalry between the Christian denominations especially between Catholics and Anglicans in the South-East of Nigeria, to influence the choice of leadership of CAN. (We will not go into the details). We submit that this influence was responsible for Mr. President's statement in Jos to wit: "CAN my foot" and why CAN has joined the Federal Government sponsored civil organization that cannot speak out against it.

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Therefore, to reform civil society is to demand that the Presidency should leave these civil societies alone. The security services have infiltrated all civil society organizations, co-opted their leadership into the top echelon of the society and in the process, these leaders are out of tune with the realities. The civil societies should be grant-aided, based on principles approved by an Act of the National Assembly. The present system where security/information funds are used, have turned these civil societies to informants and agents of the Presidency. Civil societies should not be co-opted by the government and they should not be rendered impotent. For example, in Edo State there were lapses bordering on the insecurity to lives and property that climaxed at that time with the murder of a lawyer – W. Omonuwa Esq.

The CSMN drafted a petition intended to be sent to the then Inspector-General, Tafa Balogun. The draft petition was attached to a letter inviting 23 civil society organizations in Edo State to a meeting. At the first meeting, only one civil society organization outside the CSMN attended. As a result, the meeting had to be adjourned. At the next meeting, not one- apart from CSMN, attended. On investigation, it was discovered that the leadership of these NGOs were being funded by government and its agencies. Some of these NGO leaders see their NGO as a sure instrument for appointment by government or selection for politics. Some of the leaders of the NGOs now at the NPRC had to pay their respects to the Minister in charge immediately they arrived at Abuja.

We are not casting aspersion or blaming these civil society leaders who have opted for Collectivism that has room for democracy. Even if they refuse to be on the side of the Collectivist government, they do not have an alternative. The need for an alternative ideology therefore becomes imperative and urgent.

Civil Populace

For democracy to succeed and the rule of law to triumph, the civil populace must be alert and watchful. "The prize of liberty" Wiston Churchill said, is "eternal vigilance". The civil populace in Nigeria seemed to have been cowed down by very many years of military rule and dictatorship of the Executive that have used brute force to suppress opposition. The judicial murder of Ken Saro Wiwa and others was to tell the Ogonis to "behave", but this has rather worsened the situation. Shell is yet to return to Ogoni land, and Ogoni youths have become mature and have continued with the struggle. Therefore, the power of civil populace remains potent.

In 1999 – 2003, the South-East was a haven for vigilantes and thugs. These vigilantes virtually took control of the zone. To further put the people under the thumb of the Executive, huge sums of money were paid for the upkeep of the Mobile Police in the zone in order for them to use brute force to keep the civil populace in check if one is to go by the charges of the Enugu State House of Assembly, documented as:

Notice of Impeachment of the Governor of Enugu State, Dr. Chimaroke Ogonnia Nnamani. The document dated September 3, 2002 states:

"Purported funding of visiting Police Mobile Unit: Though unbudgeted for, Dr. Nnamani purports to spend a sum of ₦4, 800, 000. 00 (Four Million, Eight Hundred Thousand Naira) every week on the visiting Police Mobile Force in Enugu State. So far, he has spent as much as ₦629, 352, 059. 00 (Six Hundred and Twenty-Nine Million, Three Hundred and Fifty-Two Thousand Naira) purported on this item. Yet Enugu State still remains the most unsafe State in Nigeria".

The brutal and excessive conduct of the Chief Executive of that State was checked by a young Catholic priest, Rev. Fr. Mbaka and his Adoration Ground Crusade. Today, Enugu State seems to live in peace. Reference to these incidents are made to show that where civil populace are

organized, they can check the excesses of politicians even here in Nigeria.

The Nigeria Labour Congress (NLC) was able to confront the Federal Government on the hike of fuel price, and directed the civil populace to stay at home in protest against the incessant petroleum price increase. It worked hard as its members moved from office to office and from house to house. Notwithstanding the threat from the Federal Government, the civil populace stayed home for three days and paralyzed the country.

The other example is the MASSOB and Ralph Uwazuruike, who directed all Nd'igbo traders throughout Nigeria to close their shops for ONE DAY, which they did successfully. These are all signs of the growing power of the civil populace and politicians who ignore this power will be doing so at their peril. It is therefore not reasonable for any politician to think that rigging of elections can be sustained in the future and that the civil populace will fold their arms and watch politicians toying with their future and their country. The Togo experience and what happened in Bosnia, Ukraine, Azerbaijan and Kyrgyzstan are examples of civil populace power.

Although Nigeria has no opposition party as such, the "Collectivism" parties would split and provide the needed opposition. The point being made here, is that the free ride of Collectivist politics is coming to an end as the political parties do not seem to have new tricks in the bag. World and African opinion will make rigging of elections in the future a "coup" that will be resisted by Nigerians.

Muslims unfair advantage over Christians

We want to show the advantage of Muslims over Christians as contained in the statements from two Muslims; one a Learned Imam -a former Justice of the Sharia Court of Appeal and now Secretary-General of Jamatul Nasri Islam and the other, a former Christian who converted to Islam from Christianity. If it had been the other way round, he would have been guilty of Apostasy which punishment is death.

The Saturday PUNCH, March 19, 2005 at page A6 carried – An Interview with Dokubo Asari, where-in he said:

"I was born into a Christian environment. My father was an Anglican, my mother was a Baptist. So, I took after my mother's denomination and became a Baptist. At a point, I was no longer satisfied with the Baptist doctrines, so I became a born again, sort of, in Deeper Life Bible Church. But, sorry to say, I later found out that Christianity say turn the other cheek, which I found rather absurd. Of all the religions that I have studied, it is only Islam that talked about struggle or agitation.

So, only Islam suited my nature, because it talks about struggle. It says when you see evil, you should resist it with your hand, speak against it with your tongue, or hate it with your heart. It says hating it in your heart is the weakest of faith. Then Islam says the best thing a man should do is to speak the truth to a tyrant. Islam itself was founded as a movement against the tyranny of the aristocratic class in Mecca.

Today, Islam remains the only religion that is resisting western domination in the world. Every other culture and belief system has succumbed to western values – Buddhism, Judaism, Christianity, and Confucianism, every one of them". The inference here, is that Muslims combine Religion and Politics, and this development has been used to great advantage in Nigeria albeit negatively.

The other is by Justice Abdulkarim Orire. The PUNCH of August 22, 2002 at pg. 50

"Justice Abdulkadir Orire, in an interview with our correspondent in Kaduna, on Wednesday, said: "It is most unfortunate that some people could interfere in an issue that does not bother them:

Orire, a former grand Khadi of Kwara State, and now the National Chairman of Council of Ulama in Nigeria was reacting to criticisms that greeted the judgment of the court that Amina must be stoned to death for contravening a provision of the Sharia law by committing adultery.

Orire said: "A billion eyes of the whole world cannot make us abandon our religion and jettison our faith as dictated by Sharia. And if certain people see Sharia judgment as threats to Nigeria's democracy, we would like to say here that to hell with such democracy that should deny us the right to practice our religion. It is high time people who are not Muslims should stop poking their noses into the affairs of Islam. We are pleading with our Christian friends, for the sake of harmony in the country, to stop embarrassing Muslims with provocative statements on Sharia.

Also the non-government organization (NGOs) who we know are agents of their pay masters in Europe should mind their businesses, "the JNI chief scribe stated: Besides, he asked: "Where are these Christians and NGOs, when Muslims in Palestine are being massacred by the Jews, and their houses being demolished?" According to him, the JNI is not surprised with the new offensive against Sharia, since its critics discovered that the 'Sharia legal system is not being used to oppress or deprive Christians their rights, they have now resorted to another tactic by crying wolves where none exist". (Emphasis supplied)

Since then, Justice Orire must have modified his views in that not only was Amina not stoned to death, but also that no Muslim has been stoned to death in Nigeria, which shows that International and National opinions can influence Islam.

We have shown in this Memorandum and in some details, why Nigeria has drifted towards a Failed State. We however, believe that those who had piloted Nigeria, at one time or the other cannot help the country because as the saying goes "a leopard cannot change its spots". In any case, the Obasanjo experience has shown that what Nigeria requires is a complete change of leadership where those who have no ill-gotten wealth or bad reputation to protect, can come on board to serve the Nation. A new Constitution for Nigeria is desired.

General Summary

We regret that as a result of time constraint, we are not able to make contributions on the following: -

- Consultation and Consensus building,
- Prison Reforms while Reform of the structure of the
- Government/Governance can be inferred from our Memorandum.

What we seek to achieve include: -

(1) That the 1999 Constitution is a false document, biased in favour of one religion, a few ethnic groups and therefore unsuitable for modern Nigeria. (2) That unlike some other religions, Christianity operates in the open, puts all her cards on the table for discussion. This, the CSMN has done in this memorandum.

(3) To counter the notion that a New Constitution that will provide for a French system is necessary not only because it will reduce Nigeria to a guinea pig for Constitutional experiment, but also that the French themselves by subscribing to the EU Constitution have accepted the superiority of the EU Constitution to the French one. In which case, it will be more reasonable to accept the EU model rather than the French model.

(4) That the Parliamentary system that admits of Subsidiarity is preferred to the Presidential system that promotes Collectivism.

(5) It is being suggested that there is too much religion in Nigeria. CSMN disagrees. Rather, it is government's involvement in matters concerning Christianity and Islam that is excessive and overbearing. This involvement includes prigimages to the holy land of Muslims and Christians only; and the construction of a Cathedral without a Bishop. The Ratio of

Christian/Muslim participation in this Conference is to the total neglect of other religions in the country etc, is lopsided.

(6) That the Security Agencies in Nigeria especially the Police and the SSS, have turned protecting the people of Nigeria to "protecting a few elite". In the process, they have become an enemy rather than a friend of the people they are supposed to serve. Their loyalty is directed not to the Constitution, but to the Head of State, who is a creation of the Constitution.

(7) That Governance means rules, processes and behaviour that affect the way power is being exercised and that the various governments in Nigeria since 1975, have failed in this direction. Furthermore, good governance is linked to the development of the country including the enhancement of the role of the civil populace in decision making to promote internal stability, economic prosperity, efficiency and legal security.

(8) That a Constitution is a basic law that must promote the rule of law, good governance, transparency and economic prosperity. Unfortunately, since 1975, Nigeria has grown backwards and poorer while the rest of the world including some third world countries are moving forward and we attribute all these to the effect of Collectivism, the de facto government of the Caliphate and the fact that Nigeria has no alternative to the Caliphate system. This helped in promoting the notion of "if you cannot beat them, join them" because the Caliphate system is the only one available to be joined.

(9) That Nigeria must Dream up a Dream and for this purpose, we suggest participatory Federalism, Subsidiarity, Human Rights, Democracy and the Rule of Law.

(10) That Nigeria has the opportunity and the means for peaceful revolution such as the Ukraine Orange Mass protest of 2004 and this opportunity is also available to those promoting Collectivism, provided they realize that this has failed in USSR, and most of the Middle-Eastern countries. They must therefore work for Subsidiarity otherwise they will be brushed aside as was done during the stay-at-home strike organized by the Labour Congress.

Recommendation

We make only one recommendation: A New Constitution based on the EU model of Subsidiarity, Federalism, Democracy, Human Rights and Rule of Law that will preserve life, promote health, ensure liberty, provide education and justice. A Constitution that will emphasize communal relationship; promote cultural diversity, quality of life, sustainable development, fair play, the right of nature and global co-operation. If the Conference cannot give us such a Constitution, at least they can dream up one.

God save Nigeria.

For: Christian Social Movement of Nigeria (CSMN),

**S.A. Asemota Esq., SAN
A member of The Patriots.**

The question whether Nigeria is a secular, Islamic or multi religious state would not have arisen if section 10 of the 1999 Nigerian Constitution which provides that "" is interpreted correctly. Section 10 does not provide that the State cannot be influenced by the religious convictions of its Constituents. This, obviously, cannot be the idea upon which the 1979 and 1999 Constitutions were framed. The exercise of one's civic duties can and indeed, should include attempting to influence civic laws according to the moral code which one holds. This is the heart of our right to suffrage. These moral codes however, must be discussed and agreed upon. The idea that a minority or majority can encapsulate their religious beliefs and force it on the rest of country, is to work against integration. A person's beliefs

inevitably, influence his/her philosophy, how he/she chooses to live and how he/she votes. Attempts to remove references to God from our civic lives would not constitute the separation of Church and State; rather, it would be the imposition of atheism, a religion by itself. However when we pass laws that institutionalize a particular religion so as to prefer a particular creed in the civic arena and prohibit the free exercise of religion in certain areas claiming religious authority, Section 10 then becomes violated. At the same time, Nigeria cannot be a multi-religious country as this will mean that no religion in the country can be discriminated against including witchcraft. We are sure that even the Muslims will not want such a situation. Therefore, each religion should be allowed to do (its thing) worship without government involvement or interference. The right to form political parties by every person, presupposes that an individual does not need permission to do so as this has been guaranteed under the Constitution. Therefore, the proviso to this Section has enhanced the stature of INEC over and above the Constitution thus conferring on it powers superior to the Constitution. The Proviso also restricts the corresponding right that flows from the right of Peaceful Assembly and Association - the right to vote, with a corresponding right to be voted for. What Section 40 of the 1999 Constitution provides is that a Nigerian has the but This, no doubt, was responsible for the situation that arose in Anambra State where the ruling party substituted names of those that were presented to INEC and the people prior to the election. This Proviso is also responsible for the statement of the PDP that names of "elected" Councillors that were not approved by the party have been annulled. Thus the "election" is for the party and not for the people. This proviso is also responsible for "Godfatherism" and rigging of election, in that it is only the registered political parties that can present candidates for any election and there is no room or provision for which was available in previous Nigerian Constitutions. In effect, Political parties have been given rights belonging to human beings - fundamental right to be voted for. It is therefore a contradiction for INEC to now say that it is powerless with respect to Anambra State whose governor has been expelled by his party. No doubt, INEC is afraid of International opinion. While reducing others to second class citizens incapable of electing their leaders. Another unfortunate aspect of these "selection" processes is that the ideologues of Collectivism ensure that the Caliphate elite select for themselves, that they have such as Princes and those with good education from the best Universities in Europe and America. For others, especially the Kafirs, they also select for them and ensure that they pick those with shady characters that would ensure that their people are exploited in order that they remain poor and backward. The "selected" President of the Senate is an example of the quality of the "selected" representatives of non-Caliphate constituencies. online reported on 26/03/2005 that INEC was sued over Wabara's Election by two persons who filed a suit at an Abuja High Court, urging the Court to compel the INEC to declare the actual winner of the 2003 Senatorial Election in Abia South as Elder Imo of the ANPP on the ground "that the law allows INEC to declare only one winner in any election and the body had contravened the law by first declaring Imo elected before Wabara". Yet the said Wabara not only was "selected" a Senator but was made President of the Senate. The 1999 Constitution has provisions that are deliberately oppressive to minorities and in particular, (a) Revenue Allocation (Section 162); (b) Representation in the National Assembly. Section 42 of the 1999 Constitution provides that: "A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person" be disadvantaged by any law or executive or administrative action, or provided with privilege or advantage not enjoyed by others. "No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth." This citation renders all Sharia laws in Nigeria in that they discriminate against other Nigerians who are not Muslims. Leaving aside all the Sharia courts throughout the country, what is striking with respect to the judiciary is that since 1979 - 26 years ago, but for two years under Chief Justice Ayo Irikefe, all the Chief Justices of Nigeria have been Muslims. The Court of Appeal since it was established in 1976 - 29 years ago has always had a Muslim as President. The High Court of the Federal Capital Territory Abuja that was established in 1986 - 16 years ago, the Chief Judges have been Muslims, yet it is a notorious fact that Christians lawyers in the country outnumber Muslim lawyers at the ratio of two to one, yet Christians have not demonstrated or led a protest march to Aso Villa even when they know that in the line of succession already mapped out, Muslims will retain these posts for another 20 to 30 years contrary to the Constitutional provision which provide for 15 years post qualification, for the Chief Justice of Nigeria thus making the post open to all lawyers, [see 231] 12 years for President Court of Appeal [see 238] and 10 years for the High Court of the Federal Capital Territory [see 256]. Even the Federal High Court that was established in 1973 has had Muslims serving longer as Chief Judges than Christians and once the present Christian holder retires, it will revert to a younger Muslim who will be a CJ for a longer time. igeria has Federal and State Judiciary but the 1999 Constitution created the National Judicial Council and saddled it with the responsibility of recommending to the President, nominees for appointments and removal of Federal Judicial Officers. The National Judicial Council also had the responsibility for recommending Governors' nominees for the appointment and removal of State Judicial Officers. By this action, Collectivism was brought into the Judicial Arm of Government. The effect is such that State Judges are very hesitant in handling suits against the Federal Government or its agencies including NITEL and NEPA, especially if the Judges have the ambition to be appointed Chief Judges or promoted to the Court of Appeal Bench. The Federal High Courts that were established in 1973 with original jurisdiction in certain specific matters including "taxation of companies, customs and excise duties, banking, foreign exchange, currency and fiscal measures of the Federation". The

jurisdiction of the FHC also covered copyright, patents designs, trade marks and merchandise marks as well as Admiralty cases. While the Federal Government and the National Assembly are willing to pay and do respectively approve the budget of the National Judicial Council in respect of the Recurrent Expenditure of both the Federal and States' judiciaries, the state executives concerned refused to provide the funds for the capital expenditure of their judiciaries. It is a notorious fact that the Communists disapproved of civil society and in spite of this, the Catholic Church was able to promote the Solidarity Party in Poland. This is not to say that the Catholics in Nigeria want to promote a Subsidiarity Party. Rather, it is the Prayer of the CSMN that some Nigerians, irrespective of religion and ethnicity will establish such a party. The Nigerian situation is a bit different from that of Poland, in that the Presidency was able to cash in on the rivalry between the Christian denominations especially between Catholics and Anglicans in the South-East of Nigeria, to influence the choice of leadership of CAN. (We will not go into the details). We submit that this influence was responsible for Mr. President's statement in Jos to wit: and why CAN has joined the Federal Government sponsored civil organization that cannot speak out against it.

[1] The Christian Social Movement of Nigeria (CSMN) is the social wing of the Christian Association of Nigeria with the motto "Thy kingdom come". The social teaching of the Church, which has transformed the United States of America and now Europe, is being neglected by the Churches in Nigeria. The CSMN is charged with the responsibility to educate and organize Christians for the kingdom of God here on earth first, before the world beyond.